

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS, ILLINOIS**

AMANDA WEISHAAPT,)	
)	
Plaintiff,)	
)	
vs.)	No. 17-0020-DRH
)	
LORI WEISHAAPT, an Individual,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff Amanda Weishaupt, by and through her undersigned counsel of record, and as her First Amended Complaint against Defendant Lori Weishaupt, states as follows:

1. Plaintiff Amanda Weishaupt is a resident and a citizen of the State of Missouri, in that she has resided and worked in Missouri for over two (2) years and currently holds a Missouri driver's license.

2. Upon information and belief, Defendant Lori Weishaupt is a citizen of the State of Illinois and currently resides at 805 East Franklin, Jerseyville, Illinois.

3. From on or about August 6, 2015 Defendant has been acting as the sole trustee of the Amanda Weishaupt Declaration of Irrevocable Trust, dated August 6, 2015 (the "Trust").

4. Plaintiff is the sole beneficiary of the Trust.

5. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332 based upon the parties' diversity of citizenship as set forth above and the amount in controversy, which exceeds \$75,000, exclusive of interest of costs.

6. This Court is a proper venue for the matter pursuant to 28 U.S.C. §1391(c) in that Defendant resides in this judicial district.

7. Defendant as the trustee of the Trust owes Plaintiff a duty of fidelity, honesty, and good faith.

8. Defendant breached her fiduciary obligations to Plaintiff by, among other things, taking in excess of One Hundred and Forty Eight Thousand Dollars (\$148,000.00) from the Trust and using it for her own use in direct violation of the terms of the Trust.

9. As a direct and proximate result of Defendant's breach, Plaintiff has incurred damages, including but not limited to a wasting of the Trust assets.

WHEREFORE, Plaintiff Amanda Weishaupt prays for judgment in her favor and against Defendant Lori Weishaupt in an amount that is fair and reasonable and within the jurisdictional limits of this court, together with attorneys' fees, prejudgment interest, and other such relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable.

Respectfully submitted,

STONE, LEYTON & GERSHMAN,
A PROFESSIONAL CORPORATION

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